IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

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)) Case No. 4:09-cv-01940CAS
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E) JURY TRIAL DEMANDED
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DEFENDANTS' ANSWER TO PLAINTIFFS' PETITION

Come now Defendants and for their Answer to Plaintiffs' Petition state as follows:

- 1. Defendants admit the allegation contained in paragraph 4 of Plaintiffs' Petition.
- 2. Defendants deny the allegations contained in paragraphs 1, 2, 3, 5, 6, 7, 8, 9, 10, 11 and 12 and Count II of Plaintiffs' Petition.
- 3. For further answer and defense, Defendants state that any recovery by Plaintiffs should be reduced in proportion to Plaintiff Paul Del Grosso's comparative fault and negligence contributing to cause their loss and damages.
- 4. For further answer and defense, Defendants state that any recovery by Plaintiff's should be reduced in proportion to Plaintiffs' failure to mitigate their loss and damages.

WHEREFORE, having fully answered, Defendants pray to be dismissed hence with their costs herein expended.

/s/ Daniel E. Wilke

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I hereby certify that on November 25, 2009, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

John D. Anderson Attorney at Law 911 Washington Avenue, Suite 400 St. Louis, MO 63101 ja@hurthelp.net ATTORNEY FOR PLAINTIFFS

/s/ Daniel E. Wilke

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